

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

<b>JESSIE A. MOORE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>1:05CV00426</b>
	)	
<b>KEVIN STRICKLAND, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**O-R-D-E-R**

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on May 20, 2005, was served on the parties in this action. Plaintiff objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

**IT IS THEREFORE ORDERED** that Plaintiff's complaint [Pleading No. 2] and amended complaint [Pleading No. 7] be, and the same are hereby, **DISMISSED** as frivolous

pursuant to 28 U.S.C. § 1915(e)(2)(B). A Judgment dismissing this action will be entered contemporaneously with this Order.

This the day of September 19, 2005

/s/ N. Carlton Tilley, Jr.  
United States District Judge